

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

SWAN CORP. I., INC. and CHRISTOPHER SWAN,

Plaintiffs,

v.

Case No. 08-C-1019

MIRON CONSTRUCTION CO.,

Defendant.

ORDER

The plaintiff in the above matter has prematurely served upon the defendant a first set of interrogatories. The interrogatories are premature because under the Rules of Civil Procedure, a party may not seek discovery from any source before the parties have conferred as required by Rule 26(f). Fed. Civ. P.26(d)(1). In addition, the defendant has filed a motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6). Based upon the foregoing, the court hereby advises plaintiff that his response to the defendant's motion must be filed on or before April 6, 2009. In the event no response is filed, the court will decide the motion based on the record as it now stands. Further, all discovery is stayed pending a decision on the defendant's motion to dismiss.

SO ORDERED this 13th day of March, 2009.

s/ William C. Griesbach
William C. Griesbach
United States District Judge